

**CHESAPEAKE CITY PLANNING COMMISSION
REGULAR MONTHLY MEETING**

Minutes for
May 7, 2008
6:30 pm

Bill Miners, Chair
Frank Hill
Lee Hutton
Harry Sampson
Rich Taylor
Nick Visser
Tom Wheeler

Jason Allison also present

Bill Miners brought the meeting to order at 6:30pm.

Public Comment

No Public Comment

Approval of the minutes from April 2, 2008

Harry Sampson made the motion to accept the April 2nd minutes with correction to Staff Report (punctuation.) and Item # 2 (punctuation) Lee Hutton 2nd.

Vote **Aye – All in Favor**
 Nay – 0
 Motion Carried

Staff Reports

No Report.

Action Items

1. Susan Tan-Torres – 201 Lock Street

Install fence around the perimeter of property according to the attached plan.

Nick Visser made the motion to request the Council consider removal of the sidewalk. Tom Wheeler 2nd.

Vote **Aye – All in Favor**
 Nay – 0
 Motion Carried

Discussion - Ms. Tan-Torres requested permission to remove sidewalk on her property. She states that the sidewalk is unsafe and on her property, she does not want to assume the liability for any possible injuries. Jason Allison informed the commission that under section 2622B48 of the town charter, Council regulates sidewalks and permission to remove a sidewalk has to come from the town council. Under Article 12, Section 8 of the Zoning Ordinances, fences cannot encroach on the Public Right of Way. Council will also have to approve a waiver to allow the fence to be built on that Right of Way. Mr. Allison stated that the town holds an easement on sidewalks, and although the sidewalk is on her property, the town has the authority over that sidewalk. At this point, Ms. Tan-Torres is unwilling to place her fence on the other side of the sidewalk. She feels that she would lose rights to her property forever. She did agree to amend the plans to have the

fence at 4' in the front and the sides and 6' in the rear, following zoning guidelines as to where the 4' and 6' sections should be placed because of two street frontages.

Further Discussion: Members would like the town administrator to find out when the order was passed regarding the replacement of sidewalks and who is responsible. Mr. Miners offered to ask the town to put this issue on the next agenda for council decision.

2. Jim Donatello – 209 George Street – Replace 4' picket fence on the east & west side of property line with 6' barricade fence (same as existing on the north side of property.)

Lee Hutton made the motion to approve replacement of existing fence as shown on the drawing with the understanding that the South wall fence be 4' within 5' of the back of porch then it can step up to 6'. The rest of fence is to be replaced in kind. Tom Wheeler 2nd.

Vote **Aye – All in Favor**
 Nay – 0
 Motion Carried

3. Amanda Van Scoy – 538 Biddle Street – Add a deck to the property as shown on plan.

Rich Taylor made the motion to approve the deck as shown contingent upon property owner showing a plot plan showing the dimensions of improvements to the property. Tom Wheeler 2nd.

Vote **Aye – All in Favor**
 Nay – 0
 Motion Carried

Discussion: Homeowner has to obtain a county permit and the deck is to have a handrail. Advised homeowner that the rear setback is 10'

4. Donald A. Smith – 319 Walnut Drive – Replace deck. 12' X 18'.

Frank Hill made the motion to replace deck with changes as shown and the addition of step on South side. Nick Visser 2nd.

Vote **Aye – All in Favor**
 Nay – 0
 Motion Carried

Discussion: Deck is 1' smaller on side and 1' longer in length. Homeowner needs to obtain a county permit.

5. Charles Cao – 111 Bank Street – Hang sign.

Application Withdrawn.

6. Bobby Walls & Carol Attix -400 George Street – Restore and/or rebuild garage according to plans.

Lee Hutton made the motion to approve demolition and replacement of garage at 400 George Street with the plot plan to show the change of the garage being placed 2' off both property lines. Tom Wheeler 2nd.

Vote **Aye – All in Favor**
 Nay – 0
 Motion carried.

Discussion: Plot plan shows garage over the property line. Homeowner advised to make sure that windows meet the town's architectural standards. Real stone will be used. Homeowner must obtain a county permit. Application to be amended to show demolish and rebuild garage.

Lee Hutton made the motion to accept the continuance of application for a patio door and windows on East side of structure to include appropriate size landing required for new door. Rich Taylor 2nd.

Discussion: Applicant is aware that a county permit is required.

Rich Taylor made the motion to approve change of use at 200 Bohemia Avenue, Suite 4 from retail to salon contingent upon county Plumbing and Health Department inspections. Nick Visser 2nd.

Discussion: Ms. Jones must provide the town with copy of inspections from Plumbing and Health Departments. Make sure application shows change of use from retail to salon.

Section 236, #7 – Jason Allison will write new language to clarify “illegible.”

Rich Taylor made the motion to require the preliminary plat for Chesapeake Village be amended to include a 50' landscaping buffer adjoining existing residential properties to the parking lot at Chesapeake Village. Harry Sampson 2nd.

Discussion: Rich Taylor made clear that this buffer only addresses properties that are currently adjoining the property and the buffer will not apply to any future properties. Responding to a question from a resident of Mt. Nebo, Frank Hill stated that the approval so far is for a Preliminary Plan and the possibility is still there for the parking lot to be moved to another location before final approval.

Harry Sampson made the motion to recommend to council to hire Jakubiak Associates, Inc. to update the Comprehensive Plan and Planning and Zoning ordinances.

Vote **Aye – All in Favor**
Nay – 0
Motion carried.

Discussion: - Jakubiak Associates includes updating the planning and zoning ordinances. URS has an open ended price. Jason Allison cautioned that the Jakubiak bid does not include a timeframe. It was pointed out that the proposal does mention the October deadline.

12. Open Seat on Planning and Zoning – Planning and Zoning to recommend replacement to fill Tom Wheeler's seat.

Harry Sampson made the motion to send both applicants names to council (Bob Hirschfeld and Frank Vari) to fill the open seat on the Planning and Zoning Commission. Tom Wheeler 2nd.

Vote

Aye – All in Favor

Nay – 0

Motion carried.

Discussion: After the next election another seat on the commission will be available for the candidate who is not chosen this time.

Planning and Zoning Commission Zoning Inspector's Report included.

Adjourn

Tom Wheeler made the motion to adjourn at 8:30pm. Lee Hutton 2nd.

Vote

Aye – All in favor

Nay – 0

Motion carried.